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EXAMINER

KIM, JUNG W

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,031

Applicant(s)

KERSHENBAUM ET AL.

Examiner

Jung W. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-19, 21-36 and 38-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-19, 21-36 and 38-100 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5, 7-19, 21-36 and 38-100 are pending.

Response to Appeal Brief

2. Applicant's arguments presented in the Appeal Brief filed on August 22, 2005, with respect to the rejection(s) of claim(s) 1-5, 7-19, 21-36 and 38-100 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, the presentation of new prior art in copending application 10,226,871 having common assignee and inventors necessitated a new ground(s) of rejection to claims 1-5, 7-19, 21-36, 38-72 and 81-100 made in view of Gupta et al. USPN 5,485,409. The subject matter of claims 73-80 are not suggested nor taught by the prior art of record.

Claim Objections

3. Claim 80 is objected to because of the following informalities: the claims are not grammatical. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. As per claims 7, 21, 38, 64, 65-69, 73-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As per claims 7, 21, 38, 64, 65-69, 73-80, the presence of the trademarks or trade names "JAVA" are not proper under 35 U.S.C. 112, second paragraph (see 37 CFR 2173.05(u)). The scope of the claims is uncertain since a trademark or trade name cannot be used properly to identify any particular material or product. The specific references to the term JAVA as used to define the scope of applicant's claims are used in connection with the JAVA language and specific method, class and package names, all of which are products distributed by Sun Microsystems and bound to their license agreement. Claims that incorporate specific methods, classes and packages by a distributor (in the specific case, the methods, classes and packages listed in and associated with the JAVA 2 platform security architecture), identify a particular material, and render these claims indefinite for failure to adequately define the scope of the claims. MPEP 2173.05(u) (" It is important to recognize that a trademark or trade name is used to identify a source of goods, and not the goods themselves ... If the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product ... If a trademark or trade name appears in a claim and is not intended as a limitation in the claim, the question of why it is in the

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claim should be addressed. Does its presence in the claim cause confusion as to the scope of the claim? If so, the claim should be rejected under 35 U.S.C. 112, second paragraph.”).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5, 8, 9, 11-17, 19, 22, 23, 25-29, 31-34, 36, 39, 40, 42-44, 46, 47, 49-55, 59-62, 70-72 and 81-100 are rejected under 35 U.S.C. 102(b) as being anticipated by Gupta USPN 5,485,409 (hereinafter Gupta).

9. As per claim 1, Gupta discloses a method comprising:

- a. employing a computer for:
 - i. obtaining a collection of code (col. 18:67);
 - ii. providing a program graph representing the collection of code (3:22-27; 18:64-67; fig. 21 and related text);
 - iii. identifying any authorization resources of the collection of code (19:1-10);
 - iv. locating any bounded path within the program graph (19:12-14);
- and

- v. associating the any authorization resource with the any bounded path (19:2:6 and 11-17).

10. As per claim 2, the rejection of claim 1 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the collection of code includes codes obtained from a group of codes including basic blocks, class methods, classes, collections of classes or any combination of these (col. 21:27-55).

11. As per claim 3, the rejection of claim 1 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of providing includes constructing the program graph through static analysis techniques (col. 18:19-28).

12. As per claim 5, the rejection of claim 1 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of identifying includes finding at least one authorization point in the program graph (col. 19:2-4).

13. As per claim 8, the rejection of claim 5 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the authorization point is an instruction invocation (col. 21:9-10 and 42-43; 22:6-7).

14. As per claim 9, the rejection of claim 8 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the instruction invocation is used in a particular language for the collection of code (col. 3:17).

15. As per claim 11, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of identifying includes employing data flow analysis (col. 20:57-62).

16. As per claim 12, the rejection of claim 11 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of employing includes generating a data flow from the program graph (col. 18:64-67).

17. As per claim 13, the rejection of claim 1 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of identifying any bounded path includes locating a set of start nodes in the program graph, and locating a stop node in the program graph; and the bounded path includes all nodes within the graph bound by the start nodes and the stop node (col. 19:20-20:44).

18. As per claim 14, the rejection of claim 1 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of associating includes associating and aggregating the any authorization resource with the collection of code (col. 19:2-6 and 11-17).

19. As per claims 15-17, 19, 22, 23 and 25-28, they are claims corresponding to claims 1-3, 5, 8, 9 and 11-14, and they do not teach or define above the information claimed in claims 1-3, 5, 8, 9 and 11-14. Therefore, claims 15-17, 19, 22, 23 and 25-28 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 1-3, 5 and 11-14.

20. As per claims 29 and 31, they are claims covered by the inventions outlined in the claim 1-3, 5 and 11-14 rejections, and they do not teach or define above the information in the claim 1-3, 5 and 11-14 rejections. Therefore, claims 29 and 31 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 1-3, 5 and 11-14.

21. As per claims 32-34, 36, 39, 40, 42 and 43, the rejections of claims 15-17, 19, 22, 23 and 25-28 under 35 U.S.C. 102(b) are incorporated herein. (supra) In addition, a means to identify any authorization resources within the collection of code is an authorization resource identifier; a means to locate any bounded path within a program graph of the collection of code is a bounded path locator; a means to associate any authorization resource with the any bounded path is an associator; and a means to construct the program graph is a program graph constructor. The aforementioned cover the limitations of claims 32-34, 36, 39, 40, 42 and 43.

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22. As per claims 44 and 46, they are claims corresponding to claims 29, 31, 32-34, 36, 42 and 43, and they do not teach or define above the information claimed in claims 29, 31, 32-34, 36, 42 and 43. Therefore, claims 44 and 46 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 29, 31, 32-34, 36, 42 and 43.

23. As per claims 47 and 49, they are claims corresponding to claims 29, 31, 32-34, 36, 42 and 43, and they do not teach or define above the information claimed in claims 29, 31, 32-34, 36, 42 and 43. Therefore, claims 47 and 49 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 29, 31, 32-34, 36, 42 and 43.

24. As per claims 50, 59 and 70-72, they are claims corresponding to the inventions outlined in the claim 1-3 and 11-14 rejections, and they do not teach or define above the information outlined in the claim 1-3 and 11-14 rejections. Therefore, claims 50, 59 and 70-72 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 1-3 and 11-14.

25. As per claim 51, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of constructing includes employing source code of the collection of code (col. 3:21).

26. As per claim 52, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of constructing includes building an invocation graph of the collection of code to form the program graph (col. 3:22-27; 18:64-67).

27. As per claim 53, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of constructing a program graph includes constructing a call graph of the collection of code to form the program graph (col. 3:25-27).

28. As per claim 54, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of constructing includes using context-sensitivity (col. 3:22-27).

29. As per claim 55, the rejection of claim 54 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of using context sensitivity includes using type information for any method receiver and/or any parameter (col. 6:34-51; fig. 1, reference "ADDR").

30. As per claim 60, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the step of searching includes locating a node or edge in the program graph that represents a location where the resource would be utilized (col. 3:25-27).

31. As per claim 61, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the resource is a resource identifier (fig. 1, reference no. 1).

32. As per claim 62, the rejection of claim 60 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the location is an authorization test (col. 20:47-22:28).

33. As per claim 81, the rejection of claim 50 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the method further comprises employing the resource in executing the collection of code (col. 3:25-27).

34. As per claims 82-90, they are claims corresponding to the inventions covered by the claim rejections as listed above, and they do not teach or define above the information outlined. Therefore, for the reasons listed above, claims 82-90 are rejected as being anticipated by Gupta.

35. As per claim 91, the rejection of claim 90 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, all root nodes in the invocation graph are members of the start nodes (24:16-23).

36. As per claims 92-100, they are article of manufacture claims, computer program product claims, and program storage device claims corresponding to the inventions

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outlined in the claim 1-3, 5, 8, 9, 11-7, 19, 22, 23, 25-29, 31-34, 36, 39, 40, 42-44, 46, 47, 49-55, 60-62, 70-72 and 82-100 rejections, and they do not teach or define above the information outlined in the claim 1-3, 5, 8, 9, 11-7, 19, 22, 23, 25-29, 31-34, 36, 39, 40, 42-44, 46, 47, 49-55, 60-62, 70-72 and 82-100 rejections. Therefore, claims 92-100 are rejected as being anticipated by Gupta for the same reasons set forth in the rejections of claims 1-3, 5, 8, 9, 11-7, 19, 22, 23, 25-29, 31-34, 36, 39, 40, 42-44, 46, 47, 49-55, 60-62, 70-72 and 82-100.

Claim Rejections - 35 USC § 103

37. Claim 4, 18, 30, 35, 45, 48 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta.

38. As per claim 4, the rejection of claim 3 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, employing object code or any intermediary state of a program is the standard means of constructing graphs to analyze the model of a program. For example, compiler programs translate source code into object code to perform optimizations. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to employ object code to construct the program graph so that analysis of the program will be based on object code rather than source code, which is geared to human-readability. The aforementioned covers the limitations of claim 4.

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39. As per claim 18, it is a claim corresponding to claim 4 and it does not teach or define above the information claimed in claim 4. Therefore, claim 18 is rejected as being unpatentable over Gupta for the same reasons set forth in the rejection of claim 4.

40. As per claim 30, the rejection of claim 29 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, a step that provides an indication that operations dependent on a property are not necessary when the property has not been identified or is not identified is a standard coding practice. This step prevents superfluous operations for a more efficient program (MPEP 2144.04.II.A 'Elimination of a step or an element and it's function'). Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to provide an indication that authorization testing is not necessary when no resource is identified by the method to make for a more efficient method as known to one of ordinary skill in the art. The aforementioned cover the limitations of claim 30.

41. As per claim 35, it is a claim corresponding to claims 4 and 32 and it does not teach or define above the information claimed in claims 4 and 32. Therefore, claim 35 is rejected as being unpatentable over Gupta for the same reasons set forth in the rejections of claims 4 and 32.

42. As per claim 45, it is a claim corresponding to claims 30 and 44 and it does not teach or define above the information claimed in claims 30 and 44. Therefore, claim 45

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is rejected as being unpatentable over Gupta for the same reasons set forth in the rejections of claims 30 and 44.

43. As per claim 48, it is a claim corresponding to claims 30 and 47 and it does not teach or define above the information claimed in claims 30 and 47. Therefore, claim 48 is rejected as being unpatentable over Gupta for the same reasons set forth in the rejections of claims 30 and 47.

44. As per claim 63, the rejection of claim 62 under 35 U.S.C. 102(b) is incorporated herein. (supra) Gupta discloses the program graph represents a C program, which is a procedural program, but does not teach the program graph representing an object oriented program. However, at the time the invention was made, procedural programming was being replaced by object oriented programming using C++ or JAVA as the dominant coding paradigm because of the benefits of using modular reusable code. Examiner takes Official Notice of this teaching. Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the program graph to represent a object oriented program. One would be motivated to do so to provide the benefits of the method taught by Gupta to applications designed using object oriented code.

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45. Claims 7, 10, 21, 24, 38, 41, 56-58 and 64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Gong "Java Security Architecture (JDK 1.2)" (hereinafter Gong).

46. As per claim 7, the rejection of claim 5 under 35 U.S.C. 102(b) is incorporated herein. (supra) Gupta discloses the program graph represents a C program, which is a procedural program, but does not teach the program graph representing a JAVA program. However, at the time the invention was made, procedural programming was replaced by object oriented programming using C++ or JAVA as the dominant coding paradigm because of the benefits of using modular reusable code. Moreover, JAVA is a programming code based on C++ and has become a forerunner to supplanting C++ due to its extensive libraries and built in features such as automatic memory de-allocation. Examiner takes Official Notice of this teaching. Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the program graph to represent a JAVA program. One would be motivated to do so to provide the benefits of the method taught by Gupta to applications designed using the benefits of the JAVA language.

47. Moreover, Gong discloses the JAVA Security Architecture to determine authorization points in programs written in the JAVA language to enable access control to resources based on protection domains. Accesses to resources are defined in Permission objects and AccessController objects include functions to check and modify these permissions (sections 2-4). Further, methods that instantiate an AccessController

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object and call the checkPermission() method identify authorization points. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use the JAVA Security Architecture in a JAVA program since it enables an efficient means of securing access to resources (Gong, pg. 1, introduction; page 5, section 2). The aforementioned cover the limitations of claim 7.

48. As per claim 10, the rejection of claim 7 under 35 U.S.C. 103(a) are incorporated herein. (supra) In addition, C# is a popular object oriented programming language derived from C++ and JAVA, having similar benefits as those discussed with the JAVA language. Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the particular language to be C#, since C# offers many of the modularity benefits of the JAVA language as known to one of ordinary skill in the art. The aforementioned cover the limitations of claim 10.

49. As per claims 21 and 24, they are claims corresponding to claims 7 and 10, and they do not teach or define above the information claimed in claims 7 and 10. Therefore, claims 21 and 24 are rejected as being unpatentable over Gupta in view of Gong for the same reasons set forth in the rejections of claims 7 and 10.

50. As per claims 38 and 41, they are claims corresponding to claims 7, 10, 36 and 40, and they do not teach or define above the information claimed in claims 7, 10, 36

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and 40. Therefore, claims 38 and 41 are rejected as being unpatentable over Gupta in view of Gong for the same reasons set forth in the rejections of claims 7, 10, 36 and 40.

51. As per claim 56, the rejections of claims 7 and 55 under 103(a) is incorporated herein. (supra) In addition, the step of using type information includes using class and memory allocation site information (Gupta, col. 5:27-35; fig. 1, reference nos. 110, 140, 160).

52. As per claim 57, the rejections of claims 7 and 56 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of type information includes using per instance information (Gupta, fig. 1, reference no. 110).

53. As per claim 58, the rejections of claims 7 and 57 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of using instance information includes associating instance information with a node or edge in the program graph (Gupta, col. 3:25-27).

54. As per claim 64, it is a claim corresponding to claims 7 and 50, and they do not teach or define above the information claimed in claims 7 and 50. Therefore, claims 64 is rejected as being unpatentable over Gupta in view of Gong for the same reasons set forth in the rejections of claims 7 and 50.

55. As per claims 65-69, the rejections of claims 7, 55, and 61 under 35 U.S.C. 103(a) are incorporated herein. (supra) In addition, the JAVA Security Architecture enables a resource identifier to include at least one java.security.Permission object (Gong, pgs. 8-9, sections 3.1 and 3.1.1; pg. 39, 'acc.checkPermission(permission)'); wherein the authorization test is a call to any java.security.AccessController.checkPermission() method (Gong, pgs. 31-32, section 4.2, three bullets); wherein the location represents a call to any authorization testing method in any instance of java.lang.SecurityManager and/or one of its subclasses (Gong, pg. 45, section 6.2 and by the property of JAVA class inheritance); wherein the node has a parameter which the type information is a java.security.Permission (Gong, pg. 39, 'acc.checkPermission(permission)'); wherein the step of identifying includes locating the constructor for the JAVA java.security.Permission allocation site and using the data flow analysis in identifying any value passed by any parameter to the constructor, wherein the combination of the java.security.Permission and a value for any parameter is the used Permission (Gong, pgs. 33-34, section 4.2.1, 'Algorithm for Checking Permissions'; pgs. 38-40, section 4.4). The aforementioned cover the limitations of claims 65-69.

Allowable Subject Matter

56. Claims 73-80 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 12, 2005

Jung W Kim
Examiner
Art Unit 2132



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